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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,167	01/26/2001	Ronald A. Kupiec	E20000350	8087

7590 09/30/2004

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,167

Applicant(s)

KUPIEC ET AL.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: application filed 01/26/01.
2. Claims 1-4 are pending in the application. Claims 1-4 are independent claims.

Specification

3. In reference to the specification, and more importantly, the Summary of the Invention, the Examiner objects to the 'Summary of the Invention' section of the Specification because it clearly recites the claims word for word. The section fails to describe in a narrative format, the Applicant's invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to independent claim 4, the preamble of the independent claim recites the phrase, 'In combination', however, the phrase fails to disclose what is in combination or anything regarding the combination of associated elements within the independent claim. Appropriate correction required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanzek**

USPN 6,654,726 filed 3/29/00.

In reference to independent claim 1, Hanzek teaches:

Web pages are exchanged in a client/server environment. The web pages can be single or multimedia documents created using hypertext markup language (HTML), extensible markup language (XML) and other languages (compare to “*creating in said first system a XML document containing a name for said one or more named entities*”). See column 7, lines 45-65. The named entities fail to explicitly describe a specific feature of the XML document. The limitation does not preclude the Examiner from utilizing the consumer product, which the consumer wishes to locate as a named entity. The product provides a proficient suggestion of a named entity.

Active Server Pages are utilized in the reference as a means for providing the exchange of documents in a client/server environment. The phrase ‘*in the environment*’ fails to particularly point out the primary use of the Active Server Pages within the limitations of the claim (compare to “*activating an active server page executing in the environment of said web server*”). Therefore, the Examiner has utilized the mention of ASP as a proficient example of being in the web server environment. See column 7, lines 55-67.

The reference provides a reasonable suggestion of access to an inventory database based on user criteria, or as presently claimed, *a name*. The near matches are provided to the user, which means the user is supplied with various products corresponding to the initial criteria, or name. The claim language, ‘*various target systems*’, fails to provide a straight-forward

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description of what a target system consists of or the type of target systems being utilized.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hanzek to utilize the various vehicles supplied to the user based on their search to teach a similar means for providing corresponding entries based on a single name and allow for expedited purchases of products by a user. See column 10, lines 1-15.

The vehicles may further be sorted by status; for example, in-inventory vehicles are grouped together, in-transit vehicles are grouped together, etc. The sorted found vehicles are then displayed to the consumer (compare to "*creating a new XML document containing corresponding names and returning said new document to said first system during said session...*"). See column 10, lines 1-10.

In reference to independent claim 2 and 4, the claim recites similar limitations to those of independent claim 1, and therefore is rejected under similar rationale.

In reference to independent claim 3, the claim reflects the apparatus comprising instructions used for performing the methods as claimed in independent claim 1, respectively, and in further view of the following, is rejected along the same rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneider	USPN 6,760,746	filed (08/31/2000)
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Zimmermann et al.,	USPN 6,678,694	filed (11/08/2000)
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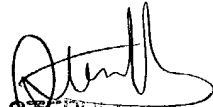
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043.

The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 703-308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
September 20, 2004


STEPHEN S. HONG
PRIMARY EXAMINER